

January 20, 2000

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**DECISION ON APPEAL OF DENIAL OF APPLICATION FOR TRANSPORTATION  
CONCURRENCY CERTIFICATE**

SUBJECT: King County Department of Transportation File No. **99-06-30-01**

**STUART PARSONS**

Transportation Concurrency Appeal

Location: 20714 Northeast 120<sup>th</sup> Street

Appellant: Stuart Parsons, *represented by*  
**Percy Tse and Kelly Snyder, Roth Hill Engineering**  
14450 Northeast 29<sup>th</sup> Place #101  
Bellevue, WA 98007  
Telephone: (425) 869-9448

King County: Department of Transportation, *represented by*  
**Dick Etherington and Richard Warren**  
201 South Jackson Street  
Seattle, WA 98104-3856  
Telephone: (206) 263-4709      Facsimile: (206) 263-4750

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Deny the appeal
Department's Final Recommendation:	Deny the appeal
Examiner's Decision:	Deny the appeal

**EXAMINER PROCEEDINGS:**

Hearing Opened:	January 12, 2000
Hearing Closed:	January 12, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

#### ISSUES/TOPICS ADDRESSED:

- Reasonable use

#### SUMMARY:

Applicant's appeal of Department of Transportation denial of certificate of transportation concurrency is denied.

**FINDINGS, CONCLUSION & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### FINDINGS:

1. Stuart Parsons is the owner of a ten acre parcel of real estate located at 20714 Northeast 120<sup>th</sup> Street in King County, Washington. The property is within the rural area of unincorporated King County; the zone classification permits development at a maximum density of one dwelling unit per five acres. The subject property is currently developed with one single-family dwelling unit.
2. Mr. Parsons acquired the property on June 1, 1996, with the intent of subdividing it to enable construction of a second dwelling unit. The King County code requires the issuance of a certificate of transportation concurrency by the King County Department of Transportation prior to submission to the Department of Development and Environmental Services of an application for short subdivision.

On June 29, 1999, Mr. Parsons learned of the need for the transportation concurrency certificate. On June 30, 1999, he submitted the application in issue to the Department of Transportation. On September 1, 1999, the Department of Transportation denied the application.

3. The basis for denial of the certificate of transportation concurrency is the failure of the proposal to meet the "zone average level-of-service standard." That standard ("threshold") for property located within the rural area is 0.69. KCC 14.70.060. The testing of the Applicant's proposal pursuant to the County's traffic model and current data resulted in a determination that the average volume/capacity ratio ("TAM score") for traffic to and from the location of the Applicant's property would be 0.817.
4. The Applicant requested a review of the findings by the Department of Transportation. Following that review, the Department confirmed its earlier denial. On December 14, 1999, the Applicant appealed on the ground that "The action of the Department would substantially

deprive the owner of all reasonable use of the property.” (See KCC 14.65.040.3)

5. The area within which the subject property is located is immediately surrounded by lots approximately five acres in size. Nearby are lots generally ranging from one acre to twenty acres. West of 204<sup>th</sup> Avenue Northeast, between Northeast 120<sup>th</sup> and Northeast 133<sup>rd</sup> Streets, is the plat of Tuscany, with urban sized lots typically smaller than one acre in area. (See Exhibit No. 4.)

## CONCLUSIONS

1. The highest and best use of the subject property consistent with current zoning would be for the development of two single-family residences, as proposed by the Appellant. However, the continued use of the property for one single-family residence is a reasonable use.
2. The action of the King County Department of Transportation in denying the application for a certificate of concurrency for property located at 20714 Northeast 120<sup>th</sup> Street does not substantially deprive the Applicant of all reasonable use of the subject property. Therefore, this appeal should be denied.

## DECISION.

The appeal of Stuart Parsons of the August 25, 1999 denial of the application for a certificate of traffic concurrency for property located at 20714 Northeast 120<sup>th</sup> Street is DENIED.

ORDERED this 20<sup>th</sup> day of January, 2000.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 20<sup>th</sup> day of January, 2000, to the following parties and interested persons:

Stuart Parsons  
20714 NE 120<sup>th</sup> St.  
Redmond, WA 98053

Richard Warren  
KCDOT  
MS-KSC-TR-0813

Percy Tse  
Roth Hill Engineers  
14450 NE 29<sup>th</sup> Pl. #101  
Bellevue, WA 98007

Dick Etherington  
KCDOT  
MS-OAK-DE-0100

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding appeals of transportation concurrency. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JANUARY 12, 2000 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. 99-06-30-01 – STUART PARSONS:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Richard Warren and Dick Etherington. Participating in the hearing and representing the Appellant were Percy Tse, Stuart Parsons and Kelly Snyder.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Notice of Transportation Concurrency Application 99-06-30-01 Denial, dated 9/1/99
- Exhibit No. 2 E-mail communication from Percy Tse to Richard Warren, dated 12/14/99
- Exhibit No. 3 KCDOT Transportation Concurrency staff report
- Exhibit No. 4 Colored map of Appellant's property and surrounding area
- Exhibit No. 5 Timeline of Parsons property
- Exhibit No. 6 Site trip distribution map for Project 99-06-30-01